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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/991,246	11/13/2001	Christopher Joseph DeSalvo	04676.P014	4909

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EXAMINER
BARNIE, REXFORD N

ART UNIT	PAPER NUMBER
2643	

DATE MAILED: 08/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.	Applicant(s)
09/991,246	CHRISTOPHER DESALVO
Examiner	**Art Unit**
REXFORD BARNIE	2643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *Jul 24, 2003*.

2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-28 and 30-35* is/are pending in the application.

4a) Of the above, claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-28 and 30-35* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☒ The proposed drawing correction filed on *Jun 17, 2002* is: a) ☒ approved b) ☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

R Barnie
REXFORD BARNIE
PRIMARY EXAMINER
08/17/2003

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
4) ☐ Interview Summary (PTO-413) Paper No(s). _____
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 U.S.C. § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless -
>
> (e) the invention was described in-
> (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or
> (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

2. Claims 1 and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Menelli et al. (US Pat# 6,321,078).

Regarding claims 1 and 19, Menelli teaches a wireless device having data processing capabilities for receiving caller ID information, determining whether an entry exist or not, if it exist being able to append time, duration and date of the call to the existing information and if the entry does not exist, creating an entry with additional information including time, date and duration of the call in (see col. 5 lines 50-66).

Claim Rejections - 35 U.S.C. § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior

art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 2, 3, 7, 8, 10-12, 14-17, 20-21 and 25-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Menelli in view of Windsor (US Pat# 5,734,706).

Regarding claims 2 and 20, Menelli teaches being able to record time information, date and so forth but fails to teach specifically recording a start time, and end time but Windsor et al. teaches caller ID system with a call log wherein the start time and end time of a communication can be stored and displayed (see fig. 7C).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Windsor into that of Maes thus making it possible to remember specifically when a call was received and the duration of the call based on the end time of the call for future reference.

Regarding claim 3, Menelli fails to teach the claimed subject matter in detail as taught by Windsor in (col. 9). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Windsor thus making it possible to assemble complete information associated with callers in a call log for future references.

Regarding claims 7-8, 21 and 25-27, Minelli fails to teach the claimed subject matter but Windsor teaches a caller ID apparatus wherein a name and/or number search can be performed and then populating or filling in the missing information which should be associated with the caller ID information automatically in (see fig. 7c, column 9 line 21-65). Furthermore, a telephone number can be replaced by a manual input or command in (see column 10 lines 13-23).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Windsor into that of Menelli thus making it possible to automate or replace missing information in a call log program inorder to assembly a complete call record.

Regarding claims 10 and 28, Menelli teaches a wireless device having data processing capabilities for receiving caller ID information, determining whether an entry exist or not, if it exist being able to append time, duration and date of the call to the existing information and if the entry does not exist, creating an entry with additional information including time, date and duration of the call in (see col. 5 lines 50-66). According to (see col. 2 lines 16-24), fields including an incoming, outgoing and so forth can be associated with calls. Even though, Menelli teaches time stamping incoming call information, he fails to teach organizing call ID information by columns including a calender entry and so forth.

Windsor et al. teaches a caller ID device wherein incoming and outgoing call logs can be organized in entries comprising time, calender, duration and so forth (see fig. 7c). Determining based on incoming line information, if additional information exist (see col. 9 lines 21-65). Furthermore, Windsor mentions the need to include a calender function in (see column 11 lines 23-29) and being able to put call information in a calender format (see column 14 lines 3-7).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the time invention was made to incorporate the teaching of Windsor into that of Menelli thus making

it possible to organize information in different entries including a calender entry (time and data) for call logs inorder to reference call detail record when needed.

Regarding claims 11-12 and 14, see the explanation as set forth in the rejection of claim 10.

Regarding claims 16-17 and 29-31, Menelli fails to teach the claimed subject matter but Windsor teaches a caller ID apparatus wherein a name and/or number search can be performed and then populating or filling in the missing information which should be associated with the caller ID information automatically in (see column 9 line 21-65). Furthermore, a telephone number can be replaced by a manual input or command in (see column 10 lines 13-23).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Windsor into that of Menelli thus making it possible to automate or replace missing information in a call log program inorder to assembly a complete call record.

Regarding claims 32-35, Furthermore, according to (cols. 9-11 of Windsor), one can update a record entry with desired information either automatically or manually.

5. Claims 4 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Menelli in view of view of Hirai (US Pat# 5,446,785) or Ananikian et al. (US Pat# 6,266,403).

Regarding claims 4 and 22, Menelli fails to teach being able to determine whether a call was answered or not but Hirai teaches a telephone device wherein calling numbers can have a no-

response mark associated with them if a call is not answered (see abstract, column 15 lines 30-37).

Ananikian teaches a telecommunication device in (see column 2 lines 4-6) which is capable of showing and displaying whether a call has been answered or not.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Hirai or Ananikian into that of Menelli thus making it possible to determine which persons to call back, if their calls were not answered.

6. Claims 5, 9 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Menelli in view of view of in view of Figa et al. (US Pat# 4,924,496).

Regarding claims 5 and 23, Menelli fails to teach the claimed subject matter. It's notoriously well known in the art to store symbols associated with calling parties which can be speed dialed such that a time and date the call was made can be stored in one's outgoing call log. Furthermore, most cell phones have directories for incoming, missed and outgoing call log to store information including date and time of call.

Figa teaches a telephone device wherein an incoming and outgoing call log can be stored including in the case of the outgoing log, the data and time associated with the call (see column 3 lines 1-12, column 2 lines 58-64).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Figa or the well known fact of being able to time stamp outgoing calls into that of Menelli inorder to create an outgoing call log for future reference.

Regarding claim 9, see the explanation as set forth in the rejection of claim 5.

7. Claims 6 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Menelli in view of Brandon (US Pat# 5,903,632).

Regarding claims 6 and 24, Menelli fails to teach the claimed subject matter in detail the creation of different logs as taught by Brandon in (see column 5 lines 7-12, column 4 lines 55-67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Brandon into that of Menelli thus making it possible to create desired logs for storage of telephone numbers for future reference.

8. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Menelli in view of Windsor et al. (US Pat# 5,734,706) and further in view of Hirai (US Pat# 5,446,785) or Ananikian et al. (US Pat# 6,266,403).

Regarding claim 13, The combination fails to teach the claimed subject matter but Hirai teaches a telephone device wherein calling numbers can have a no-response mark associated with them if a call is not answered (see abstract, column 15 lines 30-37).

Ananikian teaches a telecommunication device in (see column 2 lines 4-6) which is capable of showing and displaying whether a call has been answered or not.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Hirai or Ananikian into that of the

combination thus making it possible to determine which persons to call back, if their calls were not answered and returning the call as soon as possible.

9. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Menelli in view of . Windsor and further in view of Figa et al. (US Pat# 4,924,496).

Regarding claim 18, The combination fails to teach the claimed subject matter explicitly but it's notoriously well known in the art to store symbols associated with calling parties which can be speed dialed such that a time and date the call was made can be stored in one's outgoing call log. Furthermore, most cell phones have directories for incoming, missed and outgoing call log to store information including date and time of call.

Figa teaches a telephone device wherein an incoming and outgoing call log can be stored including in the case of the outgoing log, the data and time associated with the call (see column 3 lines 1-12, column 2 lines 58-64).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Figa or the well known fact of being able to time stamp outgoing calls into that of the combination inorder to create an outgoing call log for future reference.

10. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Menelli in view of Windsor (US Pat# 5,734,706) and further in view of Brandon (US Pat# 5,903,632).

Regarding claim 15, The combination fails to teach the claimed subject matter in detail the creation of different logs as taught by Brandon in (see column 5 lines 7-12, column 4 lines 55-67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Brandon into that of Menelli thus making it possible to create desired logs for storage of telephone numbers for future reference.

Response to Arguments

11. Applicant's arguments filed on 07/24/2003 have been fully considered but they are not persuasive.

The applicant argued the following basic argument in response to the office action dated on 03/31/2003.

(I) The applicant argued that the prior art of record fails to teach an address book and instead teaches an expense database record.

The examiner strongly disagrees because Menelli teaches a telephone device which can be programmed with different categories including that detailed in (see col. 2) which comprises an "address book category". Furthermore, (see col. 4 lines 32-35), a user through software can select a category including an address book category, expense category, cost units and so forth thus the invention is not solely limited to an expense category as alleged by the applicant. For an address category, comparison can be done with an incoming call to update a pre-existing address book information (see col. 5 lines 55-67).

(II) The applicant argued that the combination including Windsor fails to render the claimed subject matter obvious.

The examiner disagrees because the combination teaches the possibility of being able to populate a database or record with missing information which to the examiner is equivalent supplementing an entry with an empty field with pertinent information.

(III) The applicant argued that the combination including (Menelli and Hirai or Ananikan) fails to teach the claimed subject matter.

The combination renders the claimed subject matter obvious for reasons set forth in the explanation of the rejected subject matter in addition to the fact that Menelli teaches that identifiers can be associated with calls.

(IV) The applicant also argued that the combination as set forth in the rejection of dependent fails to render the claimed subject obvious.

The applicant has attacked the references individually when the explanation as set forth in the rejection was based on the combination. In addition, see the examiner's response set forth in section labeled (I).

(V) The explanation as set forth in the rejection of the claimed subject matter overall is believed proper and permissible.

Conclusion

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

13. Any inquiry concerning this communication or earlier communication from the examiner should be directed to REXFORD BARNIE whose telephone number is (703) 306-2744. The examiner can normally be reached on Monday through Friday from 8:30 to 6:OOp:m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz, can be reached on (703) 305-4708.

Any response to this action should be mailed to:
Commissioner of Patents and Trademarks
Washington, D.C. 20231
or **faxed to (703) 872-9314** and labeled accordingly (Please label **"PROPOSED/INFORMAL" or "FORMAL"**).
Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).
Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (703) 306-0377.

Rexford Barnie
Patent Examiner
08/17/03

R Barnie
REXFORD BARNIE
PRIMARY EXAMINER